

FLOYD                      CIRCUIT                      COURT.

JAMES DAMRON

PLAINTIFF.

VS...                      PETITION.

CHESAPEAKE AND OHIO RAILWAY COMPANY

DEFENDANT.

The plaintiff, James Damron, states that he is an adult citizen of Floyd County, Kentucky, and resides at Dwale, Kentucky.

That on the 11th day of January, 1917, this plaintiff bought from the agent of the defendant, at its ticket office at Catlettsburg, Kentucky, one ticket entitling him to one first class passage from Catlettsburg, Kentucky, to Dwale, Kentucky. That with said ticket in his possession he boarded the defendants passenger train leaving Catlettsburg, Kentucky, at about 4:15 P. M. of the same day. And thereafter, as the train proceeded on its run from Catlettsburg, Kentucky, through the counties of Boyd, Lawrence, Johnson and Floyd, to Dwale, Kentucky, this plaintiff upon demand from the conductor of said train, duly surrendered to him his ticket.

The plaintiff states that while he was a passenger on said train and entitled to free and unmolested transportation and passage from the City of Catlettsburg, Kentucky, to his home at Dwale, Kentucky, and after said train had pulled out of Prestonsburg station on its way towards Dwale, Kentucky, at a point somewhere between Prestonsburg and Dwale, one Lee Lauhon, claiming to be a Special Officer and employee of the defendant, Chesapeake & Ohio Railway Company, assisting said Conductor in the management and operation of said train, and while so acting as such employee and special officer of the defendant, and in the discharge of his duties as such, came upon this plaintiff where he was a passenger and quietly occupying a seat in one of said cars and unlawfully and wrongfully assaulted him and laid violent hands upon this plaintiff and jerked him from his seat into the aisle; grabbed hold of his person in the presence of a large number of persons, searched his clothing and pockets, accused him of carrying a concealed deadly weapon and thus humiliated, insulted, embarrassed and greatly frightened this plaintiff, causing him great mental anguish and putting him in immediate fear of bodily harm, to his great damage in the sum of \$ 1000.00.

Plaintiff states that at the time when the said Lee Lauhon as an employee of the defendant, Chesapeake and Ohio Railway Company, took hold of and assaulted him, as hereinbefore alleged, he was peaceable and orderly occupying his seat; was sober and well behaved, and gave no occasion whatever for such assault and that when he was jerked from his seat the said employee of the defendant, Chesapeake and Ohio Railway Company, jerked him so violently and quickly that it gave him great pain in his left arm and shoulder and rendered it sore and painful, from which he suffered thereafter great physical pain.

That the said wrongfully acts of the said Lauhon as hereinbefore complained of, was done in the presence of a large number of persons, passengers on said coach, and that while this plaintiff was being thus wrongfully handled and searched and accused of carrying a deadly weapon, as herein alleged, that a large number of said people were gazing and looking at this